

Message Text

CONFIDENTIAL

PAGE 01 KHARTO 01416 170825Z

15

ACTION AF-18

INFO OCT-01 EUR-25 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00

SSO-00 USIE-00 INRE-00 IO-14 SCCT-02 NEA-14 SY-04

PM-07 H-03 INR-10 L-03 NSC-07 PA-04 RSC-01 PRS-01

SP-03 SS-20 DRC-01 /138 W

----- 049261

O R 170730Z JUN 74

FM AMEMBASSY KHARTOUM

TO SECSTATE WASHDC IMMEDIATE 8350

INFO AMEMBASSY BRUSSELS

C O N F I D E N T I A L KHARTOUM 1416

E.O. 11652: GDS

TAGS: PINS SU

SUBJ: KHARTOUM ASSASSINATIONS - SUPERIOR COURT TRIAL

REF: KHARTOUM 1412

1. SUMMARY: DEFENSE SUMMATION PRESENTED JULY 16, WHILE SEEKING MAKE SOME LEGAL POINTS AT EXPENSE PROSECUTION CASE, CONCENTRATED ON POLITICAL JUSTIFICATION OF MURDERS AS REVOLUTIONARY ACT IN SELF-DEFENSE OF PALESTINIAN PEOPLE. COURT SET MONDAY JUNE 24 FOR ISSUING VERDICT AND PRESUMABLY SENTENCING. BASED ON OUR READING OF CASE, HARD SEE HOW VERDICT OF PREMEDITATED MURDER CAN BE AVOIDED. END SUMMARY

2. COURT MET ON SCHEDULE JUNE 16 TO HEAR SUMMATION OF DEFENSE. DEFENSE PRESENTATION DIVIDED INTO TWO SEGMENTS. FIRST, MADE BY ABDEL WAHAB MUHAMMAD ABDEL WAHAD, LEADING CRIMINAL LAWYER, LASTED LITTLE OVER ONE HOUR. HE STARTED BY MAKING POLITICAL ARGUMENT THAT BSO TERRORISTS HAD ADDED NEW AND GLORIOUS PAGE TO COMMANDO DEEDS FOR LIBERATION OF PALESTINE AND CRUSHING ZIONISTS PLANTED BY "IMPERIALISTS" IN BODY OF ARAB COUNTRIES. HE REJECTED CHIEF PROSECUTOR'S CONTENTION THAT ACT NOT REVOLUTIONARY, STATING DEFENDENTS CUT FROM SAME CLOTH AS THOSE WHO KILLED

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 KHARTO 01416 170825Z

WASFI TEL IN CAIRO, THOSE WHO RAIDED MAALOT ETC. ABDEL WAHAB

THEN TURNED TO LEGAL ARGUMENTS. HE ASKED THAT SEVERAL POINTS MADE BY PROSECUTION NOT BE CONSIDERED SINCE THEY NOT SUBSTANTIATED BY EVIDENCE. THESE INCLUDED REPORTS OF NEGOTIATIONS BETWEEN VICE PRESIDENT BAGHIR, MINHEALTH ABDUL GASIM AND DEFENDENTS. HE ALSO ASKED THAT MEDICAL REPORT NOT BE CONSIDERED SINCE IT HAD NOT BEEN PRESENTED TO COURT BY DOCTOR WHO PREPARED IT.

3. ABDEL WAHAB THEN DWELT AT SOME LENGTH ON PROSECUTION'S FAILURE TO PROVE WHICH OF DEFENDENTS HAD KILLED WHOM, WHAT WEAPONS THEY HAD CARRIED. HE CLAIMED PROSECUTION HAD NOT PROVED THAT EVERY ONE OF DEFENDANTS HAD PARTICIPATED (WHILE HE NOTED THAT NUMBER ACCUSED ON ROOF PERIODICALLY DURING SEIGE, UNDERSTAND ABDEL WAHAB DID NOT CLAIM ANY THERE AT TIME MURDERS, AS ALLEGED BY UPI.) NOR HAD IT ESTABLISHED THAT THERE WAS JOINT COMMON INTENT TO MURDER HOSTAGES. ABDEL WAHAB DENIED THAT ACTION PLANNED IN ADVANCE BY PARTICIPANTS, CLAIMING THAT THEY DID NOT KNOW ONE ANOTHER UNTIL THEY ARRIVED KHARTOUM. HE CLAIMED INITIAL INTENT NOT TO KILL, BUT, AS NOTED IN CONFESSIONS, GOS REFUSAL RELEASE SIRHAN HAD LED TO KILLINGS. HE CLAIMED IT TRADITIONAL STYLE OF BSO TO TAKE HOSTAGES NOT TO KILL BUT FOR BARGAINING. ABDEL WAHAB CONCLUDED BY ASKING COURT NOT CONSIDER ACT PREMEDITATED.

4. CHIEF DEFENSE COUNSEL, MIRGHANI EL-NASRI, THEN FOLLOWED WITH 45 MINUTED PRESENTATION DEVOTED SOLELY TO POLITICAL JUSTIFICATION, TYING ACT TO LEGITIMATE SELF-DEFENSE. HE CLAIMED TERRORISTS MUST BE CONSIDERED AS REPRESENTATIVE OF WHOLE PALESTINIAN NATION AND THAT THEIR ACTS NOT THOSE OF INDIVIDUALS BUT REPRESENTED COLLECTIVE WILL. HE THEN OUTLINED HISTORY OF PALESTINE ISSUE, SAYING PALESTINIAN STATE DESTROYED BY US PLANES AND BULLETS. TERRITORY MAY HAVE BEEN IN HANDS OF ISRAELIS BUT US WAS ACCESSORY AND EQUALLY GUILTY. AND PALESTINIANS IN STATE OF WAR HAD LEGITIMATE RIGHT OF SELF DEFENSE. ONE COULD NOT CONSIDER ACT AS 8 PEOPLE KILLING THREE - THIS ENTIRELY TOO NARROW. RATHER PALESTINIA NATION HAD ILL-ED REPS OF "IMPERIALISTS".

5. AT CONCLUSION THESE PRESENTATIONS, COURT ANNOUNCED IT WOULD CONVENE AGAIN AT 10:00 A.M. MONDAY JUNE 24 TO ANNOUNCE VERDICT. (IF VERDICT IS GUILTY, IT OUR UNDERSTANDING SENTENCE WILL ALSO BE ANNOUNCED AT SAME TIME).
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 KHARTO 01416 170825Z

6. COMMENT: DEFENSE LEGAL POINTS APPEAR TO HAVE BEEN IN GENERAL DELT WITH BY PROSECUTOR GENERAL IN ADVANCE (REF T3)). WILL CHECK WITH EMBASSY ATTORNEY TO SEE WHETHER THEY HAVE ANY SPECIAL LEGAL FORCE. AS FOR POLITICAL ARGUMENTS, THEY WERE HARDLY NEW AND AGAIN APPEAR TO HAVE BEEN ANTICIPATED AND WELL HANDLED IN JUNE 15 PROSECUTION STATEMENT. IT THEREFORE DIFFICULT SEE HOW THREE-JUDGE PANEL CAN AVOID VERDICT THAT

ACCUSED GUILTY OF PREMEDITATED MURDER.
BREWER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ASSASSINATION, PALESTINIANS, TRIALS, ATTORNEYS, COURTS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974KHARTO01416
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740156-0971
From: KHARTOUM
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740640/aaaabhxi.tel
Line Count: 117
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: KHARTOUM 1412
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 03 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 APR 2002 by izenbei0>; APPROVED <17 JUN 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: KHARTOUM ASSASSINATIONS - SUPERIOR COURT TRIAL
TAGS: PINS, SU, (WAHAB, ABDEL)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005